



NATIONAL SCIENCE FOUNDATION  
OFFICE OF INSPECTOR GENERAL  
OFFICE OF INVESTIGATIONS

**CLOSEOUT MEMORANDUM**

Case Number: A13080084

Page 1 of 1

NSF OIG received an allegation that an assistant professor<sup>1</sup> at a university<sup>2</sup> plagiarized material from a non-NSF declined proposal<sup>3</sup> into a NSF grant proposal.<sup>4</sup> The university declined to conduct a research misconduct investigation due to the lack of a research misconduct policy and lack of experience in conducting investigations. We contacted the assistant professor, who admitted that she knowingly plagiarized material from a former advisor<sup>5</sup> and another colleague<sup>6</sup> into the NSF proposal due to time constraints and her inexperience in grant proposal writing. We found significant portions of the significance and background section and two out of the three proposed aims were copied from the source grant proposal into the NSF proposal without appropriate attribution or permission. Our investigation determined a preponderance of evidence supported the conclusion that the assistant professor knowingly committed plagiarism and intellectual theft, a significant departure from accepted practices.

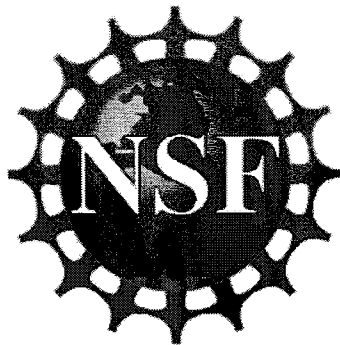
NSF concurred with recommendations in our Report of Investigation (ROI) and made a finding of research misconduct and a proposed debarment. As the assistant professor did not appeal, NSF finalized the debarment for a period of one year. NSF required that she complete a course in the responsible conduct of research within one year. For a four year period, NSF impose requirements in the submission of certifications and assurances for all proposals or documents submitted by the assistant professor to NSF and prohibited her from participating as a peer reviewer, advisor, or consultant for NSF.

This memo, the attached ROI and the letters from the Office of the Director on the notice of research misconduct determination with a proposed debarment and the final debarment notice constitute the case closeout. Accordingly, this case is closed.

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<sup>4</sup> NSF Proposal

# National Science Foundation Office of Inspector General



## Report of Investigation Case Number A13080084 November 18, 2014

**This Report of Investigation is provided to you  
FOR OFFICIAL USE ONLY.**

It contains protected personal information, the unauthorized disclosure of which may result in personal criminal liability under the Privacy Act, 5 U.S.C. § 552a. This report may be further disclosed within NSF *only* to individuals who *must* have knowledge of its contents to facilitate NSF's assessment and resolution of this matter. This report may be disclosed outside NSF only under the Freedom of Information and Privacy Acts, 5 U.S.C. §§ 552 & 552a. Please take appropriate precautions handling this report of investigation.

### Executive Summary

**Allegation:** Plagiarism in an NSF grant proposal.

**OIG Inquiry:** OIG identified 153 lines, 5 tables, 1 timetable and 51 embedded references that were allegedly copied from a non-NSF declined proposal into a NSF grant proposal. We contacted the Subject, who admitted to the plagiarism.

**University Action:**

The University declined to conduct a research misconduct investigation due to the lack of a research misconduct policy and lack of experience in conducting investigations.

**OIG Investigation:**

The Subject admitted that she knowingly plagiarized material from a former advisor into the NSF proposal due to time constraints and her inexperience in grant proposal writing. We found significant portions of the significance and background section and two out of the three proposed aims were copied from the source grant proposal into the NSF proposal without appropriate attribution constituting plagiarism and intellectual theft.

**OIG Assessment:**

- **The Act:** The Subject copied a total of 153 undistinguished lines, 5 tables, 1 timetable and 51 embedded references from one source into one proposal.
- **Intent:** The Subject acted knowingly.
- **Standard of Proof:** A preponderance of evidence supports the conclusion that the Subject knowingly committed plagiarism and intellectual theft.
- **Significant Departure:** The Subject's plagiarism and intellectual theft represent a significant departure from accepted practices.
- **Pattern:** Plagiarism and intellectual theft were exclusively found in one declined proposal.

**OIG Recommends:**

- Make a finding of research misconduct.
- Send a letter of reprimand.
- Require certification of responsible conduct of research training within one year of NSF's finding.
- Debar the Subject from receiving federal funds or participating in any federally-funded project for a period of one year.

Additionally for a period of 3 years immediately following the debarment period:

- Bar the Subject from participating as a peer reviewer, advisor, or consultant for NSF.
- Require certifications and assurances.

**OIG's Inquiry**

A reviewer (PI 1)<sup>1</sup> alleged that a NSF proposal (Proposal 1),<sup>2</sup> which he was asked to review, contained material copied from his 2008 grant proposal (Source)<sup>3</sup> which was submitted to another federal agency.<sup>4</sup> The Source was a collaborative project proposal co-authored by a second PI (PI 2)<sup>5</sup> at a different institution. PI 1 provided our office with his evaluation of the alleged plagiarism, briefly outlining how approximately two research aims comprising several paragraphs and tables were seemingly copied from the Source into Proposal 1. PI 1 speculated that the PI (Subject)<sup>6</sup> of Proposal 1 obtained the Source from PI 2 as the Subject was previously a graduate student who worked with PI 2 at an institution (University 1).<sup>7</sup> In the Subject's biographical sketch provided in Proposal 1, PI 2 was one of twelve listed collaborators. PI 1 contacted PI 2 who purportedly indicated that she may have provided the Subject with the Source.

Proposal 1 was withdrawn by the Subject as a duplicate version (Proposal 2)<sup>8</sup> was submitted to NSF a week later. Hence, Proposal 2 was used for the comparative analysis with the Source. The latter was initially obtained from PI 1 and an official copy was subsequently obtained from the OIG affiliated with the non-NSF federal agency. The table below summarizes the plagiarism identified in Proposal 2.

| <b>NSF Proposal 2</b>  | <b>Source</b>             |
|--|---------------------------|
| Significance & Background: 54 lines, 36 embedded references, 1 table             | Background & Significance |
| Aim 1: 43 lines, 13 embedded references, 2 tables                                | Project 3                 |
| Aim 2: 50 lines, 2 embedded references, 2 tables                                 | Project 1                 |
| Aim 3: 6 lines   | Project 2                 |
| Timetable  | Timetable                 |
| <b>Total: 153 unique lines, 51 embedded references, 5 tables and 1 timetable</b> |                           |

The identified lines of text within the sections and both the text and format of tables in Proposal 2 were taken nearly verbatim from the Source with occasional word substitutions,

<sup>1</sup> [REDACTED]

<sup>2</sup> Tab 1, NSF Proposal 1: [REDACTED]

<sup>3</sup> Tab 2, [REDACTED]

<sup>4</sup> [REDACTED]

<sup>5</sup> [REDACTED]

<sup>6</sup> [REDACTED]

<sup>7</sup> [REDACTED]

<sup>8</sup> Tab 3, NSF Proposal 2: [REDACTED]

sentence restructuring and numerical data updates. For identified sentences, the same exact placement of parentheses or quotation marks and embedded references were noted. Several of the identified embedded references in Proposal 2 were of PI 1's publications that were also cited in the Source.

We wrote<sup>9</sup> to the Subject, asking for her explanations regarding the copied material in Proposal 2 and how she obtained the Source. The Subject's response<sup>10</sup> did not dispel the plagiarism allegations as the Subject readily admitted to copying material from the Source into her NSF Proposal 2. She stated she obtained "a partial draft" of the Source "in a Microsoft Word file format in September 2009"<sup>11</sup> from PI 2 while she was a graduate student at University 1.<sup>12</sup> She claimed PI 2 "was one of the authors of the [Source] and provided [her] with the document to update the research after the grant application was denied. I got the idea for my NSF proposal from this document, but my original intention was to expand on the research, not to copy it".<sup>13</sup> The Subject stated "I made an error in judgment and copied portions of the text from this document without attribution".<sup>14</sup> The Subject indicated that in a purported communication with PI 2, "[PI 2] was concerned for me that I had made such a mistake. [PI 2] told me she recalled providing me with a copy of the document but did not remember when she gave it to me"<sup>15</sup> and "[PI 2] advised that she was not the only author of the [Source], which helped me understand better why I made a mistake in using the material".<sup>16</sup>

The Subject rationalized "I considered the fact that the original proposal had been declined as somehow diminishing the value of the material and information contained in the proposal".<sup>17</sup> For the "circumstances that led [her] to copy the [Source] in her NSF Proposal [2], not to excuse [her] behavior, but rather to explain it",<sup>18</sup> she offered as explanations: "I did not carefully consider the plagiarism issue, partly due to the time constraints that I faced, and partly due [to] my raw inexperience in the grant writing field. I had never attempted to complete a grant before and I had never worked as a PI or Co-PI on a grant. It was entirely a new experience for me, and I just did not appreciate the importance of the plagiarism rules. I did not disclose that I had copied the material".<sup>19</sup> The Subject utilized a consultant and a writer<sup>20</sup> to review and edit her draft NSF proposal that was in consideration of being submitted to either one of two different NSF programs<sup>21</sup> in August 2013. The Subject decided "[i]t was simply impossible for me to meet the deadlines given to me. I had less than three weeks to submit a draft to the consultant, and without fully considering or understanding the implications of my decision, I copied portions of the text from the word version of the rejected grant application

<sup>9</sup> Tab 4: OIG Inquiry Letter to Subject dated [REDACTED]

<sup>10</sup> Tab 5: Response from Subject dated [REDACTED]

<sup>11</sup> Tab 5, pg 1.

<sup>12</sup> [REDACTED]

<sup>13</sup> Tab 5, pg 1.

<sup>14</sup> Tab 5, pg 1.

<sup>15</sup> Tab 5, pg 1.

<sup>16</sup> Tab 5, pg 2.

<sup>17</sup> Tab 5, pg 4.

<sup>18</sup> Tab 5, pg 2.

<sup>19</sup> Tab 5, pg 4.

<sup>20</sup> The identity of the consultant and the writer was not revealed in the Subject's response letter.

<sup>21</sup> [REDACTED]

[Source] that [PI 2] gave to me years ago”.<sup>22</sup> The Subject declared her “misconduct was serious, and I knowingly copied portions of the prior grant. But my mindset in doing that was not evil or malicious. I was careless or ignorant of the rules, given my lack of experience in grant writing”.<sup>23</sup> The Subject termed her misconduct as a mistake, concluding “[m]y mistake was definitely isolated, and it had no effect on the research record. My mistake was not part of a pattern of misconduct but one event”.<sup>24</sup> The Subject professed “I admit that I knowingly copied from the prior [ ] grant proposal in my NSF proposal”.<sup>25</sup> The Subject was remorseful, stating “I had to advise [PI 2] that I improperly used quotes from a paper that I did not write, and experienced extreme embarrassment in the process”<sup>26</sup> and vowed “I will never again use another person’s ideas, processes, results or words without giving appropriate credit”.<sup>27</sup> Based on the Subject’s responses and admission, we determined there was sufficient substance to proceed to an investigation.

### University’s Actions

We contacted the Subject’s institution (University 2),<sup>28</sup> specifically the Vice-Provost of Research<sup>29</sup> and other university officials<sup>30</sup> in order to obtain University 2’s research misconduct policy and to refer the investigation. University 2’s academic integrity policy<sup>31</sup> and code of student conduct<sup>32</sup> were applicable to university students and included descriptive sections on mechanisms to report, assess and adjudicate various types of student misconduct or academic integrity violations, including plagiarism. However for faculty members and university employees, although University 2 had a policy<sup>33</sup> for the practice of ethics and how reported ethics violations are to be handled<sup>34</sup> and investigated,<sup>35</sup> that policy did not specify research misconduct or academic integrity. The ethics policy contained vague references about adherence to ethical behavior<sup>36</sup> and the expectation of reporting accurate information in documents.<sup>37</sup> University officials decided to decline our offer to refer the research misconduct investigation to the University. Their decision was based largely on the lack of a research misconduct policy and lack of experience with NSF grants.

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<sup>22</sup> Tab 5, pg 4.

<sup>23</sup> Tab 5, pg 5.

<sup>24</sup> Tab 5, pg 5.

<sup>25</sup> Tab 5, pg 5.

<sup>26</sup> Tab 5, pg 5.

<sup>27</sup> Tab 5, pgs 5-6.

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<sup>31</sup> Tab 6: University 2’s Academic Integrity Policy.

<sup>32</sup> Tab 7: University 2’s Code of Student Conduct 2013-2014.

<sup>33</sup> Tab 8: University 2’s Policy [REDACTED]

<sup>34</sup> Tab 8, section 13.

<sup>35</sup> Tab 9: University 2’s Investigation Process updated [REDACTED]

<sup>36</sup> Tab 8, section 3.

<sup>37</sup> Tab 8, section 6.

### OIG's Investigation and Assessment

Due to University 2's declination, we conducted our own investigation. Since both the complainant (PI 1) and the Subject indicated that PI 2 provided the Subject with the Source, we interviewed<sup>38</sup> PI 2 and then subsequently interviewed<sup>39</sup> the Subject.

During her interview<sup>40</sup>, PI 2 stated that while at University 1, the Subject "was a Research Assistant for me [ ] for a couple years. She was a Master's student, and then she was a doctoral student in our program" and "she stayed some extra time and just did some volunteer [ ] work".<sup>41</sup> PI 2 clarified that she was not the Ph.D. thesis mentor of the Subject as "I was a committee member, but I was not her Chair".<sup>42</sup> As far the Subject's obtaining the Source, PI 2 stated "I don't know if I specifically sent her the document. I'm not sure what kind of access that she had with [ ] the completed document [ ]. But it is quite conceivable that I might have emailed it to her at some point".<sup>43</sup> PI 2 could not recall if the Subject explicitly requested to obtain the Source from her<sup>44</sup> or from PI 1 indicating "he [PI 1] just works in a different [ ] Department, and I don't think we ever had a meeting together, so I don't know how she might know him".<sup>45</sup> PI 2 revealed that the Subject did contact her to apologize as "she was in trouble and that she had used something of mine and that she was sorry",<sup>46</sup> detailing that the Subject told her "she was under pressure and that she had borrowed part of a grant that I had written."<sup>47</sup> For the Subject's contribution in the drafting of the Source, PI 2 indicated the Subject, working at that time as a Research Assistant merely "helped me research some of the information that I used to write up that proposal as far as I remember".<sup>48</sup> PI 2 summarized the Subject's role in her research group, generalizing "I was working on [ ] several [ ] projects, and I know she did [ ] background research on looking for articles on [ ] for me".<sup>49</sup>

We interviewed<sup>50</sup> the Subject via telephone, who was present with her attorneys.<sup>51</sup> The Subject confirmed<sup>52</sup> that she had worked as a Research Assistant for PI 2, who also served as one of her Ph.D. thesis committee members. The Subject acknowledged that from PI 2 she "got the portion of [Source], the description part in a Microsoft document [ ] in order to update [ ] research background to the topic".<sup>53</sup> The Subject received that document in September 2009 through an email<sup>54</sup> from PI 2 and kept "the file in [her] personal computer".<sup>55</sup> The Subject

<sup>38</sup> Tab 10: OIG E-mail to PI 2 dated [REDACTED]

<sup>39</sup> Tab 11: OIG Letter to Subject dated [REDACTED]

<sup>40</sup> Tab 12: Transcribed [REDACTED] interview of PI 2.

<sup>41</sup> Tab 12, pg 3, lines 2-6.

<sup>42</sup> Tab 12, pg 3, lines 9-14.

<sup>43</sup> Tab 12, pg 2, lines 10-14.

<sup>44</sup> Tab 12, pg 4, lines 5-8.

<sup>45</sup> Tab 12, pg 4, lines 20-22.

<sup>46</sup> Tab 12, pg 9, lines 8-10.

<sup>47</sup> Tab 12, pg 9, lines 13-15.

<sup>48</sup> Tab 12, pg 2, lines 4-7.

<sup>49</sup> Tab 12, pg 3, lines 23-26.

<sup>50</sup> Tab 13: Transcribed [REDACTED] interview of Subject.

<sup>51</sup> [REDACTED]

<sup>52</sup> See Tab 13, pg 3, lines 16-25 through pg 4, lines 1-3.

<sup>53</sup> Tab 13, pg 2, line 26 through pg 3, lines 1-2.

<sup>54</sup> See Tab 13, pg 4, lines 4-8.

<sup>55</sup> Tab 13, pg 5, line 1.

admitted “I didn’t ask [permission from PI 2] for the use of that document for the NSF proposal”<sup>56</sup> and had never worked<sup>57</sup> with PI 1. The Subject summarized the roles of the writer<sup>58</sup> and consultant<sup>59</sup> that were hired as to solely “review and edit”<sup>60</sup> her NSF proposal prior to submission. The Subject initially proclaimed<sup>61</sup> that the scientific ideas and proposed research aims in NSF Proposal 2 were hers but later admitted<sup>62</sup> that the ideas and aims were from PI 2. The Subject felt pressure from the university to submit a proposal. The Subject contended that the uncertainty of which NSF program<sup>63</sup> to submit the proposal in August 2013 placed her in a stressful time constraint and consequently she “copied a portion of the draft [Source]”.<sup>64</sup> The Subject’s attorney maintained that these “extenuating circumstances” caused the Subject, as “a junior faculty member” to make “a mistake”<sup>65</sup> as the Subject “never [ ] submitted a grant before”<sup>66</sup> and “wasn’t receiving any guidance from senior faculty [ ] in terms of the [ ] preparation [ ] or the submission of [the proposal]”.<sup>67</sup> The Subject’s responses during our inquiry and our investigative interview led us to conclude that she acted knowingly to copy a substantial amount of material from the Source into Proposal 2.

In the course of our investigation, we examined the Subject’s ethics/academic integrity training, publication history and appointments listed in her biographical sketch<sup>68</sup> in order to determine the standards of her research community and her understanding of research misconduct. Although the Subject obtained her bachelor’s degree in a foreign country, she obtained a master’s and a Ph.D. degree at a U.S. institution (University 1) which had a research misconduct policy<sup>69</sup> during her attendance. PI 2 indicated that for training at University 1, topics of plagiarism were discussed “in all of our courses [as] it’s part of our syllabi”.<sup>70</sup> However, during her interview, the Subject contended<sup>71</sup> that she never had taken classes in research integrity, ethics or responsible conduct of research (RCR) at either University 1 or 2. Officials at University 2 indicated they did not include RCR topics (fabrication, falsification, plagiarism and other scientific integrity issues) in their annual ethics training for faculty. However, University 2 maintains an academic integrity website<sup>72</sup> which provides faculty members three resources on plagiarism and additional resources to either promote academic integrity or to prevent academic dishonesty. These resources are utilized by faculty to prevent plagiarism in the classroom, maintaining academic integrity. As an instructor of three courses<sup>73</sup> at University 2, the Subject

<sup>56</sup> Tab 13, pg 5, lines 7-8.

<sup>57</sup> Tab 13, pg 6, lines 17-26 through pg 7, lines 1-5.

<sup>58</sup> [REDACTED]

<sup>59</sup> [REDACTED]

<sup>60</sup> Tab 13, pg 13, line 22.

<sup>61</sup> See Tab 13, pg 15, lines 6-14.

<sup>62</sup> See Tab 13, pg 25, lines 5-16.

<sup>63</sup> [REDACTED]

<sup>64</sup> Tab 13, pg 18, lines 16-17.

<sup>65</sup> Tab 13, pg 20, lines 18-21.

<sup>66</sup> Tab 13, pg 20, line 22.

<sup>67</sup> Tab 13, pg 26, lines 11-13.

<sup>68</sup> Tab 3, pgs 27-28.

<sup>69</sup> Tab 14: University 1’s Research Misconduct Policy amended [REDACTED]

<sup>70</sup> Tab 12, pg 6, lines 7-8.

<sup>71</sup> See Tab 13, pg 16, lines 13-25 through pg 17, lines 1-6.

<sup>72</sup> [REDACTED]

<sup>73</sup> Tab 15: Webpage of Subject in August 2013.



should have been well aware of the issues of research misconduct given that faculty members were expected to oversee students' academic integrity. Although University 2's academic integrity policy was applicable to students, it states: "[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]".<sup>74</sup> The policy lists plagiarism as a violation of academic integrity.

An additional assessment of the Subject's research community standards include the policies of the journal where the Subject has published. The journal<sup>75</sup> that published the Subject's recent manuscript<sup>76</sup> maintains instructions<sup>77</sup> for authors which include sections that discuss the responsibility of authors to obtain permission when using material from others and the journal's use of software<sup>78</sup> to screen for plagiarism. The Subject's acts of research misconduct are a clear deviation from accepted standards of her research community, given the standards within her academic background, position and research field.

A finding of research misconduct by NSF requires that (1) there be a significant departure from accepted practices of the relevant research community, (2) the research misconduct be committed intentionally, or knowingly, or recklessly, and (3) the allegation be proven by a preponderance of the evidence.<sup>79</sup>

The Acts

We determined that the Subject copied a total of 153 undistinguished lines, 5 tables, 1 timetable and 51 embedded references from one confidential unfunded proposal (Source) into Proposal 2. We conclude the Subject's actions constitute plagiarism under NSF's definition. We also conclude the Subject's actions constitute intellectual theft as we found substantial portions of the significance and background section and the proposed research aims were taken from the Source into Proposal 2. There was almost complete overlap of two out of three proposed research aims. The Subject's actions meet the definition of research misconduct and constitute a significant departure from accepted practices of her research community.

Intent

As the embedded references were located in the same position in the plagiarized text as in the source, this supported a knowing level of intent. As the copied material was supplemented with interspersed word substitutions, intermittent section restructuring and updated numerical data values, this supported a knowing level of intent to incorporate the copied material into

<sup>74</sup> Tab 6, pg 1.

<sup>75</sup> [REDACTED]

<sup>76</sup> [REDACTED]

<sup>77</sup> [REDACTED]

<sup>78</sup> Crosscheck. <http://www.crossref.org/crosscheck/index.html>

<sup>79</sup> 45 C.F.R. § 689.2(c).

Proposal 2. The use of parentheses or quotes with the same exact enclosed words located in the same exact part of the sentence as in the source also supported a knowing level of intent.

The act of providing a background section, proposing research aims and presenting data tables that were largely originally proposed by two other PIs is a deliberate act to lead reviewers to believe that the Subject was the intellectual originator of those ideas, research design and work plans. We conclude that the Subject knowingly plagiarized and knowingly took intellectual material from the confidential source document into her NSF Proposal 2. Given her educational background, publication history, course instructor role and faculty position, we expect the Subject would be fully aware of scholarly standards in submitting proposals to the NSF.

#### Standard of Proof

By her own admission, the Subject admitted that she knowingly copied material from the Source into Proposal 2. The preponderance of the evidence supports that the Subject knowingly plagiarized and knowingly performed the intellectual theft of 153 lines, 5 tables, 1 timetable and 51 embedded references from the Source into Proposal 2, thereby committing an act of research misconduct.<sup>80</sup>

#### OIG's Recommended Disposition

When deciding what appropriate action to take upon a finding of misconduct, NSF must consider: (1) How serious the misconduct was; (2) The degree to which the misconduct was knowing, intentional, or reckless; (3) Whether it was an isolated event or part of a pattern; (4) Whether it had a significant impact on the research record, research subjects, other researchers, institutions or the public welfare; and (5) Other relevant circumstances.<sup>81</sup>

#### Seriousness

The Subject's actions are a violation of the standards of scholarship, grantsmanship and academic ethics within the research community. The Subject knowingly copied material from a confidential unpublished proposal (Source) into Proposal 2. The Subject's excuses of proposal deadline time constraints and inexperience in grant writing does not diminish the seriousness of her actions. Her perception<sup>82</sup> that the 2008 declined proposal (Source) had diminished value and the circumstances of her obtaining portions of the Source from PI 2 do not justify the Subject's use of the material into Proposal 2 which she submitted in 2013. By including the background, text, tables and research aims composed by others in a proposal, the Subject misrepresented her own efforts to the reviewers. The NSF Grant Proposal Guide (GPG) states:

NSF expects strict adherence to the rules of proper scholarship and attribution. The responsibility for proper attribution and citation rests with authors of a proposal; all parts of the proposal should be prepared with equal care for this concern. Authors other than the PI (or any co-PI) should be named and acknowledged. Serious failure to adhere to

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<sup>80</sup> 45 C.F.R. § 689.

<sup>81</sup> 45 C.F.R. § 689.3(b).

<sup>82</sup> Tab 5, pg 4.

such standards can result in findings of research misconduct. NSF policies and rules on research misconduct are discussed in the AAG Chapter VII.C as well as in 45 CFR Part 689 (GPG section I.D.3).

Thus, the Subject's actions represent particularly egregious behavior.

#### Pattern of Behavior

As NSF Proposals 1 and 2 were duplicate proposals in which Proposal 1 was subsequently withdrawn, we concluded there was no pattern of plagiarism.

#### Impact on the Research Record and Community

Since the NSF Proposal 2 was not awarded, we conclude that the Subject's actions did not have a direct impact on the research or publication record. However, given that PI 2 was both the Subject's former colleague and Ph.D. thesis committee member and the complainant (PI 1) was PI 2's collaborator and co-author of the Source, the Subject's actions adversely affected her immediate research community by compromising her peers' trust by using their ideas and words without giving appropriate credit. By serving as a reviewer of Proposal 1, PI 1 learned of the Subject's plagiarism and intellectual theft of material he co-authored with PI 2. This breach of trust denigrates the relationship between the Subject and her immediate research community and is a violation of the standards of academic integrity and grantsmanship. As an instructor of three communication courses at University 2, the Subject's lack of integrity is of particular concern as she is responsible for educating undergraduates.

#### Subject's Response to Draft Report

As the Subject confirmed<sup>83</sup> she did not wish to provide any comments to our draft investigation report,<sup>84</sup> our original determinations and recommendations remain unaltered.

#### Recommendations

Based on the evidence, OIG recommends NSF take the following actions:

- Send the Subject a letter of reprimand notifying her that NSF has made a finding of research misconduct.<sup>85</sup>
- Require the Subject to certify to the Assistant Inspector General for Investigations (AIGI) her completion of a responsible conduct of research training program and provide documentation of the program's content within

<sup>83</sup> Tab 16: Response from Subject dated [REDACTED]

<sup>84</sup> Tab 17: Letter to Subject with Draft ROI dated [REDACTED]

<sup>85</sup> A Group I action 45 C.F.R. 689.3(a)(1)(i).

1 year of NSF's finding.<sup>86</sup> The instruction should be in an interactive format (e.g., an instructor-led course) and specifically include plagiarism.

- Debar the Subject for one year.<sup>87</sup>

For a period of three years immediately following the debarment period:

- Bar the Subject from participating as a peer reviewer, advisor, or consultant for NSF.<sup>88</sup>
- Require for each document (proposal, report, etc.) to which the Subject contributes for submission to NSF (directly or through an institution),
  - the Subject submit a contemporaneous certification to the AIGI that the document does not contain plagiarism, falsification, or fabrication.<sup>89</sup>
  - the Subject submit contemporaneous assurances from a responsible official of her employer to the AIGI that the document does not contain plagiarism, falsification, or fabrication.<sup>90</sup>

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<sup>86</sup> This action is similar to Group I actions 45 C.F.R. 689.3(a)(1).

<sup>87</sup> A Group III action 45 C.F.R. 689.3(a)(3)(iii).

<sup>88</sup> A Group III action 45 C.F.R. 689.3(a)(3)(ii).

<sup>89</sup> This action is similar to 45 C.F.R. 689.3(a)(1)(iii).

<sup>90</sup> A Group I action 45 C.F.R. 689.3(a)(1)(iii).

NATIONAL SCIENCE FOUNDATION  
4201 WILSON BOULEVARD  
ARLINGTON, VIRGINIA 22230

JUN 09 2015



**CERTIFIED MAIL—RETURN RECEIPT REQUESTED**

[REDACTED]

*Re: Notice of Research Misconduct and Proposed Debarment*

Dear [REDACTED]:

As an Assistant Professor [REDACTED] at [REDACTED] ("University"), you served as a Principal Investigator ("PI") and primary author on a National Science Foundation ("NSF") proposal that contained a significant amount of plagiarized material: 153 copied lines, 5 tables, 1 timetable, 51 embedded references and appropriated ideas. The plagiarized material came from a non-funded [REDACTED] proposal that a former advisor had shared with you in 2009. This plagiarism is documented in the attached investigative report prepared by NSF's Office of Inspector General ("OIG").

**Research Misconduct**

Under NSF's regulations, "research misconduct" is defined as "fabrication, falsification, or plagiarism in proposing or performing research funded by NSF ..." 45 CFR § 689.1(a). NSF defines "plagiarism" as the "appropriation of another person's ideas, processes, results or words without giving appropriate credit." 45 CFR § 689.1(a)(3).

A finding of research misconduct requires that:

- (1) There be a significant departure from accepted practices of the relevant research community; and
- (2) The research misconduct be committed intentionally, or knowingly, or recklessly; and
- (3) The allegation be proven by a preponderance of evidence.

45 CFR § 689.2 (c).

The OIG investigative report describes in detail the significant amount of plagiarized material, including appropriated ideas, contained in the proposal that you submitted to NSF. While you initially claimed that the material in the proposal was yours, you have now admitted that this

material was copied and the ideas incorporated without attribution. This information permits me to conclude that your actions meet the applicable definition of plagiarism, as set forth in NSF's regulations.

Pursuant to NSF's regulations, the Foundation must also determine whether to make a *finding* of research misconduct based on a preponderance of the evidence. 45 CFR § 689.2(c). Based on information in the OIG investigative report, it is clear that you were not granted permission by the authors of the source document to copy material contained therein. In addition, your acknowledgement that your proposal included copied material permits me to conclude that, based on a preponderance of the evidence, the plagiarism was committed knowingly and constituted a significant departure from accepted practices of the relevant research community. We are, therefore, issuing a finding of research misconduct against you.

NSF's regulations establish three categories of actions (Group I, II, and III) that can be taken in response to a finding of misconduct. 45 CFR § 689.3(a). Group I actions include issuing a letter of reprimand; conditioning awards on prior approval of particular activities from NSF; requiring that an institutional representative certify as to the accuracy of reports or certifications of compliance with particular requirements. 45 CFR § 689.3(a)(1). Group II actions include award suspension or restrictions on designated activities or expenditures; requiring special reviews of requests for funding; and requiring correction to the research record. 45 CFR § 689.3(a)(2). Group III actions include suspension or termination of awards; prohibitions on participation as NSF reviewers, advisors or consultants; and debarment or suspension from participation in NSF programs. 45 CFR § 689.3(a)(3).

In determining the severity of the actions to impose for research misconduct, we have considered the seriousness of the misconduct, including that the plagiarism constituted appropriation of ideas, and it was committed knowingly. We further took into account the fact that the misconduct had no impact on the research record because your proposal was not funded by NSF, and the fact that there was no pattern of misconduct. We have also considered other relevant circumstances. *See* 45 CFR § 689.3(b).

Based on the foregoing, we are imposing the following actions on you:

- You are required to complete a comprehensive responsible conduct of research training course within one year from the date that the research misconduct determination becomes final, and provide documentation of the program's content. The instruction should be in an interactive format (e.g., an instructor-led course, workshop, etc.) and should include a discussion of plagiarism.
- For a period of three years from the date that the research misconduct determination becomes final, you are required to submit contemporaneous certifications that any proposals or reports you submit to NSF do not contain plagiarized, falsified, or fabricated material.

- For a period of three years from the date that the research misconduct determination becomes final, you are required to submit contemporaneous assurances by a responsible official of your employer that any proposals or reports you submit to NSF do not contain plagiarized, falsified, or fabricated material.
- For a period of four years from the date that the research misconduct determination becomes final, you are prohibited from participating as a peer reviewer, advisor, or consultant for NSF.

All training documentation should be submitted in writing to the following email address: [certificationreporting@nsf.gov](mailto:certificationreporting@nsf.gov).

### **Debarment**

Pursuant to 2 CFR § 180.800, debarment may be imposed for:

(b) Violation of the terms of a public agreement or transaction so serious as to affect the integrity of the agency program, such as –

(1) A willful failure to perform in accordance with the terms of one or more public agreements or transactions;

...

(3) A willful violation of a statutory or regulatory provision or requirement applicable to a public agreement or transaction; or

(d) Any other cause of so serious or compelling a nature that it affects your present responsibility.

In any debarment action, the government must establish the cause for debarment by a preponderance of the evidence. 2 CFR § 180.850. In this case, the OIG Investigative Report supports a finding that you knowingly committed plagiarism by taking 153 copied lines, 5 tables, 1 timetable and 51 embedded references as well as ideas from a non-funded NIH proposal. Thus, your action supports a cause for debarment under 2 CFR § 180.800 (d).

### ***Length of Debarment***

Debarment must be for a period commensurate with the seriousness of the causes upon which an individual's debarment is based. 2 CFR § 180.865. Having considered the seriousness of your actions, as well as the relevant aggravating and mitigating factors set forth in 2 CFR § 180.860, we are proposing your debarment for one year.

**Appeal Procedures for finding of Research Misconduct and Procedures Governing Proposed Debarment**

*Appeal Procedures for Finding of Research Misconduct*

Under NSF's regulations, you have 30 days after receipt of this letter to submit an appeal of this finding, in writing, to the Director of the Foundation. 45 CFR § 689.10(a). Any appeal should be addressed to the Director at the National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia 22230. If we do not receive your appeal within the 30-day period, the decision on the finding of research misconduct will become final. For your information, attached is a copy of the applicable regulations.

*Procedures Governing Proposed Debarment*

The provisions of 2 CFR §§ 180.800 through 180.885 govern debarment procedures and decision-making. Under our regulations, you have 30 days after receipt of this notice to submit, in person or in writing, or through a representative, information and argument in opposition to this debarment. 2 CFR § 180.820. Comment submitted within the 30-day period will receive full consideration and may lead to a revision of the recommended disposition. If NSF does not receive a response to this notice within the 30-day period, this debarment will become final.

Any response should be addressed to Lawrence Rudolph, General Counsel, National Science Foundation, Office of the General Counsel, 4201 Wilson Boulevard, Room 1265, Arlington, Virginia 22230. For your information, attached is a copy of the Foundation's regulations on non-procurement debarment and FAR Subpart 9.4.

Should you have any questions about the foregoing, please contact Peg Hoyle, Deputy General Counsel, at (703) 292-[REDACTED].

Sincerely,



Richard O. Buckius  
Chief Operating Officer

Enclosures:  
Investigative Report  
Nonprocurement Debarment Regulations  
FAR Regulations  
45 CFR Part 689



NATIONAL SCIENCE FOUNDATION  
4201 WILSON BOULEVARD  
ARLINGTON, VIRGINIA 22230



OFFICE OF THE  
DIRECTOR



**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**



*Re: Research Misconduct Determination and Notice of Debarment*

Dear [REDACTED]:

On June 9, 2015, we issued a Notice of Research Misconduct and Proposed Debarment ("Notice") based on an investigation by the Office of Inspector General ("OIG") for plagiarism in a proposal submitted to the National Science Foundation ("NSF") while you were an Assistant Professor [REDACTED] at [REDACTED] ("University"). In the Notice, NSF provided you with 30 days to appeal the research misconduct finding and 30 days to respond to the proposed debarment. The period for submitting either an appeal or response to NSF has lapsed, and NSF has not received a response from you.

Accordingly, as reflected in the Notice, NSF will take the following actions:

1. You must complete a comprehensive responsible conduct of research training course within one year from the date of this letter, and provide documentation of the program's content. The instruction should be in an interactive format (e.g., an instructor-led course, workshop, etc.) and should include a discussion of plagiarism.
2. For the next four years from the date of this letter you must submit contemporaneous certifications that any proposals or reports you submit to NSF do not contain plagiarized, falsified, or fabricated material. All certifications and assurances should be submitted in writing to the following e-mail address: [certification@nsf.gov](mailto:certification@nsf.gov).
3. For the next four years from the date of this letter you must submit contemporaneous assurances by a responsible official of your employer that any proposals or reports you submit to NSF do not contain plagiarized, falsified, or fabricated material. All certifications and assurances should be submitted in writing to the following e-mail address: [certification@nsf.gov](mailto:certification@nsf.gov).

4. For one year from the date of this letter, you are prohibited from acting as a participant in federal agency transactions that are covered transactions, unless an exception applies, and prohibited from acting as a principal of a person participating participant in those covered transactions. See 2 C.F.R. §§ 180.130, 180.200, and 180.980.
5. For one year from the date of this letter, you are prohibited from participating in certain non-procurement transactions throughout the executive branch of the federal government which include, but are not limited to, grants (including serving as a reviewer), cooperative agreements, scholarships, fellowships, contracts of assistance, loans, loan guarantees, subsidies, insurances, payments for specified uses, and donation agreements. See 2 C.F.R. § 180.970. No agency in the executive branch shall enter into, renew, or extend, primary or lower-tier covered transactions in which you are either a participant or principal, unless the head of the agency grants an exception in writing.
6. During the length of your debarment, your name will be published in the General Services Administration's web-based System for Award Management (SAM), containing the names of contractors debarred, suspended, proposed for debarment, or declared ineligible by any federal agency; this information is referred to in 2 C.F.R. § 180 as the Excluded Parties Listing System (EPLS).<sup>1</sup>

Should you have any questions about the foregoing, please contact [REDACTED], Assistant General Counsel, at (703) 292-8060.

Sincerely,



Richard O. Buckius  
Chief Operating Officer

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<sup>1</sup> EPLS has transitioned to the new system SAM, accessible at [www.sam.gov](http://www.sam.gov). See 77 Fed. Reg. 120 (June 21, 2013). It is anticipated that in the future 2 C.F.R. § 180 will be revised to reflect that the name of the EPLS has been changed to SAM.